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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,532	10/31/2003	Carlos Alberto Bonilla	200309110-1	2707

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INTELLECTUAL PROPERTY ADMINISTRATION		
FORT COLLINS, CO 80527-2400		

EXAMINER	
BHAT, ADITYA S	

ART UNIT	PAPER NUMBER
2863	

NOTIFICATION DATE	DELIVERY MODE
12/14/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/699,532	Applicant(s) BONILLA, CARLOS ALBERTO	
	Examiner Aditya S. Bhat	Art Unit 2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/31/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings submitted on 10/31/2003 are in compliance with 37 CFR § 1.81 and 37 CFR § 1.83 and have been accepted by the examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-22 are rejected under 35 U.S.C. 102(a) as being anticipated by Mathews et al. (USPUB 2003/0098879).

With regards to claims 1 and 8 Mathews et al. (USPUB 2003/0098879) discloses a method & computer readable instructions for managing a testing task, said method comprising:

receiving a plurality of test cases to run(112;fig 3), each test case including a plurality of requirements for running said respective test case; (Page 3, Paragraph 0023, lines 1-3)

receiving an identification of a group of available test systems on which to run said test cases; (106;fig 3)

for each test case, determining a list of applicable test systems from said group that satisfy said requirements of said respective test case; (Page 3, Paragraph 0023, lines 21-23)

automatically selecting and starting test cases to run based on each respective list and said available test systems so that as many test cases as possible are run in parallel; (Page 3, Paragraph 0020, lines 19-21)(fig3)

when any test case finishes running and releases a test system to said group of available test systems, automatically selecting and starting an additional test case to run if possible based on said respective list and said available test systems. (Page 3, Paragraph 0020, lines 7-11)(fig3) and providing the results of the testing task (30;figure 1)(126;fig 3)

With regards to claims 2, 9, and 17, Mathews et al. (USPUB 2003/0098879) discloses for each available test system, determining a plurality of attributes of said respective available test system. (Win NT, WIN 2000, Unix; Fig 1)(location; fig 2) Test performed in different locations and on different operating systems constitute a plurality of attributes.

With regards to claims 3, 10, and 18, Mathews et al. (USPUB 2003/0098879) discloses keeping track of a status of each test case. (Page 4, Paragraph 0027, line 19)

With regards to claims 4, 11 and 19, Mathews et al. (USPUB 2003/0098879) discloses completing said testing task when test cases that could have run on said available test systems have finished running. (110;fig 3)

With regards to claim 5, 12 and 20, Mathews et al. (USPUB 2003/0098879) discloses displaying results of said test cases. (Page 4, Paragraph 0029, lines 4-5)(fig 2)

With regards to claims 6, 13 and 21, Mathews et al. (USPUB 2003/0098879) discloses automatically selecting and starting test cases to run includes: for each test case, creating a real test system name file. (52;fig. 2)

With regards to claims 7, 14 and 22, Mathews et al. (USPUB 2003/0098879) discloses initializing a work directory(set of files) for each test case. (Page 3, paragraph 3, lines 7-11)

With regards to claim 15, Mathews et al. (USPUB 2003/0098879) discloses system comprising:

a plurality of available test systems; (Refer to figure 1)
a controller for controlling said available test systems;(24;Refer to figure 1) and
a test driver (24;fig 1) for receiving a plurality of test cases, each test case including a plurality of requirements for running said respective test case,(winNT, Win200,UNIX; (32;fig 1)

wherein said test driver matches said available test systems with said test cases based on said requirements, (fig1)and wherein said test driver selects and starts test cases to run so that as many test cases as possible are run in parallel based on said available test systems and said requirements, and wherein when any test case finishes, a test system of said finished test case is released to said plurality of available test systems. (Page 3, Paragraph 0020)(fig 3)

With regards to claim 16, Mathews et al. (USPUB 2003/0098879) discloses when any test case finishes running and releases a test system to said group of available test systems, said test driver selects and starts an additional test case to run if possible based on said respective requirements and said available test systems. (Page 3, Paragraph 0020, lines 7-11)(fig 3)


Response to Arguments

4. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Solloway et al. (USPN 6,708,324) teaches a extensible automated testing software.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aditya S. Bhat whose telephone number is 571-272-2270. The examiner can normally be reached on M-F 9-5:30.
7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Aditya S. Bhat
December 7, 2007